

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2003-023316

04/07/2005

HONORABLE KENNETH L. FIELDS

CLERK OF THE COURT  
D. Whitford  
Deputy

FILED: 04/08/2005

401 EAST RAY ROAD L L C

CHARLES W WIRKEN

v.

CROWN CASTLE ATLANTIC L L C, et al.

J GREGORY LAKE

**RULE 16 PRETRIAL CONFERENCE SET**

The Court having received Plaintiff's Motion to Set and Certificate of Readiness,

**IT IS ORDERED** setting a telephonic Comprehensive Pretrial Conference pursuant to Rule 16(b) A.R.C.P. for **June 9, 2005 at 9:15 a.m.** in this division. **PLAINTIFF IS DIRECTED TO INITIATE THE CALL** to this Division. Telephone number 602-506-2060.

**IT IS FURTHER ORDERED** that at least five (5) days prior to the scheduling conference, the parties shall submit to the Court a Joint Pretrial Memorandum setting forth the following:

1. The parties' proposed schedule for additional discovery including depositions and all other discovery pursuant to the rules of procedure or as agreed upon by the parties.  
NOTE: The date for disclosure of non-expert witnesses must be at least forty-five days before the completion of discovery.
2. The parties' proposed schedule for disclosure of expert witnesses and designation pursuant to Rule 26(b)(4).

**NOTE:** The disclosure should be within ninety days of the scheduling conference except upon a showing of good cause.

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3. The parties' proposed schedule for any agreed upon amendments to the pleadings and any requested amendments to the pleadings.
4. The parties' proposed date for a settlement conference.

The parties' proposed date for trial.

NOTE: The parties should come to the scheduling conference with the trial calendars of the attorneys responsible for trial.

If there are any discovery disputes, they must be filed with the Court by motion at least ten days prior to the scheduling conference. A response must be filed not less than three days prior to the conference. No reply will be filed. The Court will assess any appropriate sanction if the Court finds that any party or attorney engaged in unreasonable, groundless, abusive or obstructionist discovery.

All counsel shall personally meet, confer, and prepare a Joint Pretrial Conference Memorandum which specifically addresses the matters set forth in Rule 16(b)(1)-(18)A.R.C.P. and a Discovery Scheduling Order setting forth those matters required under Rule 16(B)(1)-(4)A.R.C.P. The memorandum shall be furnished to the Court no later than 5 DAYS BEFORE the Pretrial Conference.

**ELECTRONIC ("E") COURTROOM**

A record of the proceedings may be made by videotape in lieu of a court reporter. (**See Notice below**) Should an official transcript be required, you may request that the Court prepare it. The party ordering the transcript must pay for it. With this new technology, a court reporter is likely not required and the parties are encouraged to experience the Court's video-recording system before requesting a court reporter.

**If a court reporter is required, a written request must be received by the Court at least 48 hours before the hearing.**

**NOTICE**

**New Fee for Copies of Electronically Recorded Proceedings**

Effective Monday, January 27, 2003, a fee of \$20.00 will be charged for each copy of superior court proceedings digitally recorded and provided on compact Disc (CD) and for each copy of a superior court proceeding provided on videotape. The fee is due when the CD or videotape is picked up. Cash and in-state checks will be accepted for payment. Please make checks payable to: Clerk of the Superior Court.

Blank, unused CDs and videotapes will not be accepted in lieu of payment.

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Beginning Monday, January 27, 2003, the pick up location for CD or videotape copies of superior court proceedings recorded in downtown Phoenix will be the court's Self Service Center located in the Law Library on the first floor of the East Court Building. Fees will be collected at the Self Service Center. Copies of superior court proceedings recorded at the court's Southeast Facility in Mesa and at the court's Northwest Facility in Surprise may be picked up, and fees paid, at the Self Service Centers at those locations.

Questions may be directed to Ken Crenshaw, Administrator, Electronic Records Services, 602-506-7100 or [kcrensa@superiorcourt.maricopa.gov](mailto:kcrensa@superiorcourt.maricopa.gov)

Request for Daily Copy of Electronically Recorded Proceedings

Obtain a form from the courtroom clerk or from the Self Service Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee at the Self Service Center. Attach the receipt showing payment of fee and present both the receipt and the form to the courtroom clerk or bailiff. For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.